

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

AVALONBAY COMMUNITIES, INC.
Employer

and

Case 02-RC-238385

LOCAL 30, INTERNATIONAL UNION
OF OPERATING ENGINEERS, AFL-CIO
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Certification of Representative is denied as it raises no substantial issues warranting review.¹ We deny the Employer's request for a stay of the certification as moot.

JOHN F. RING,	CHAIRMAN
MARVIN E. KAPLAN,	MEMBER
WILLIAM J. EMANUEL,	MEMBER

Dated, Washington, D.C., August 26, 2020.

¹ In denying review, we agree with the Regional Director that the Employer did not meet its burden to establish that its Maintenance Supervisors constitute statutory supervisors. Accordingly, we do not reach the question of whether they engaged in supervisory taint under the standard set forth in *Harborside Healthcare, Inc.*, 343 NLRB 906 (2004). We also do not rely on the Regional Director's citation to *Loyalhanna Health Care Associates*, 352 NLRB 863 (2008), as it is a two-member Board decision. See *New Process Steel, L.P. v. NLRB*, 560 U.S. 674 (2010).

In denying review, Member Kaplan does not pass on the status of the Maintenance Supervisors because, even assuming that those individuals are statutory supervisors, the Employer did not meet its burden to show that their conduct tainted the election.